

THE INSPECTION PANEL

1818 H Street, N.W.
Washington, D.C. 20433
U.S.A.

Telephone: (202) 458-5200
Fax : (202) 522-0916
Email: ipanel@worldbank.org

IPN REQUEST RQ 09/06

June 9, 2009

NOTICE OF REGISTRATION

**Re: Request for Inspection
INDIA – Mumbai Urban Transport Project
(Loan No. 4665-IN; Credit No. 3662-IN)**

On May 29, 2009^{*}, the Inspection Panel received a Request for Inspection, related to the above referenced Project (hereinafter “the Project”). The Request was jointly submitted by Messrs Ambrish Mehta, Deepak Mehta, and Hinesh Mehta, three brothers who are owners of Plot. No. 102, Triveni Bhavan, C.T.S. No. 13/12 to 13/21 & 13 (b) situated in the Gandhi Nagar Plan within the Revenue Village of Tirandaz, Taluka Kurla, Adi.Shankarcharya Marg, I.I. T Main Gate, Powai, Mumbai - 400 076 (hereinafter “the Property”) in the city of Mumbai, India. They submitted the request on their own behalf and claim to be adversely affected by the Project, and especially by its resettlement program.

The Project aims to foster the development of an efficient and sustainable urban transport system in the Mumbai Metropolitan Region, and provides, *inter alia*, for completing two major East-West road links. The Resettlement Action Plan provides for resettling persons affected by the construction of the road-based transport component. One of the East-West road links, the 11 km long Jogeshwari-Vikhroli Link Road (JVLR) whose Phase II includes realigning and widening existing roads, relates to the subject of the Request.

The Requesters are residents who live in an area known as Powai which the JVLR Phase II runs through. They state that in 2006, the Mumbai Metropolitan Region Development Authority (MMRDA), the Implementing Agency, “*came to demolish [their] structure*” as a result of which the Requesters obtained a High Court Stay Order against any future demolition of the Property. The Requesters claim that they have “*suffered in the MUTP JVLR Phase II*” and “*have done lots of struggle in these 2 yrs*” and been “*torched physically, mentally, and financially*” because they have been told to demolish their Property prior to claiming or receiving compensation. They write that “*putting the demoli[tion] condition before giving the compensatory benefits*” is “*contrary to R and R Policy*”.

* A copy of the Request for Inspection with original signatures was submitted on June 9, 2009.

The Requesters write that in April 2009 they “*received a phone call from MMRDA for negotiation*”. They state, and provide correspondence to the effect, that after discussions with MMRDA over a course of three days, they reached a negotiated settlement and were asked by MMRDA to submit the same in writing to the Authority which they did. However, in a subsequent letter, the MMRDA wrote that the proposal submitted by the Requesters was “*conditional*” as it was not “*signed by any authority*” and requested them to “*dismantle the structure*” and come forward to claim benefits within seven days of the receipt of the letter or else “*[their] request of any nature in this regard will not be entertained*” by the MMRDA.

The Requesters say that they have kept World Bank staff in the India Resident Mission updated on developments about their property through email communications and phone conversations.

They also state that they are ready for negotiation and will accept the negotiated settlement reached in their April 2009 meetings with MMRDA, as recorded by them in their correspondence with MMRDA, provided they are given allotment papers and possession of the compensatory residential and commercial properties offered to them. They also signal their willingness to withdraw their High Court case.

Finally, the Requesters ask that the Inspection Panel recommend an investigation of these matters “*on an urgent basis*”.

The above claims may constitute violations by the Bank of various provisions of the following operational policies and procedures:

OD 4.30 Involuntary Resettlement
OP/BP 13.05 Project Supervision

In accordance with paragraph 17 of the Panel’s Operating Procedures (the “*Operating Procedures*”), I am notifying you that I have, on June 9, 2009, which is also the date of the dispatch of this notice, registered this Request in the Inspection Panel Register. Please note that the Panel’s registration is an administrative procedure and it implies no judgment whatsoever concerning the merits of the Request for Inspection.

The Panel would like to record that in a telephone conversation held with the Requesters on June 2, 2009, the Requesters wish to see their particular problem resolved in negotiation with MMRDA with possible assistance from the World Bank.

The Panel recognizes that according to Management’s March 2009 “*Third Progress Report on Implementation of the Action Plan*” for the project in question, MMRDA has moved away from “*a prescriptive approach towards an adaptive and problem solving approach*” that seeks to “*explore various negotiated settlement solutions*”. The Panel notes that the chances of an expedient resolution of the case brought forward by the Requesters appear promising.

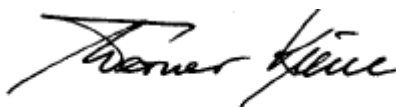
In accordance with paragraph 18 of the Resolution, paragraphs 2 and 8 of the “*Conclusions of the Board’s Second Review of the Inspection Panel*” (the “1999

Clarifications”), and paragraph 18 (d) of the *Operating Procedures*, Bank Management must provide the Panel, no later than July 9, 2009, with a written response. In the context of the situation described above and the promising outlook for an expedient resolution of the complaint, I point in particular to the language of paragraph 18 of the Resolution that requires evidence that Management intends to comply with the Bank’s relevant policies and procedures in relation to the above-referenced matter.

After receiving the Management response, the Panel will, as outlined in the 1999 Clarifications and as provided by paragraph 19 of the Resolution, “*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*”

The Request has been assigned IPN Request Number RQ 09/06.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Werner Kiene', written in a cursive style.

Werner Kiene
Chairperson

Mr. Deepak Mehta
Mr. Ambrish Mehta
Mr. Hinesh Mehta
403 Brindavan Co-operative Housing Society, Ltd.,
I.I.T, Main Gate, Powai, Mumbai – 400 076
India

Mr. Robert B. Zoellick
President
International Bank for Reconstruction and Development
International Development Association
Room MC12-750

The Executive Directors and Alternates
International Bank for Reconstruction and Development
International Development Association